

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES v. KELVIN NIXON Crim. No.: 13-215

PETITION FOR
WRIT OF HABEAS CORPUS

(X) Ad Prosequendum

() Ad Testificandum

1. KELVIN NIXON, ~~DOB: [REDACTED], FBI # [REDACTED]~~ (hereinafter the "Detainee") is now confined at the Atlantic County Jail.

2. The Detainee is


charged in this District by: () Indictment (X) Information () Complaint
with a violation of 21 United States Code Section 843(b)

3. The Detainee will

return to the custody of the detaining facility upon termination of proceedings

4. The Detainee will be required at the District Court in Newark, New Jersey, MLK, Jr. Federal Bldg & U.S. Courthouse, Courtroom 4D, before the Hon. William H. Walls, U.S. District Judge, on Tuesday, July 2, 2013, at 9:30 a.m., for Sentencing in the above-captioned case. A Writ of Habeas Corpus should issue for that purpose.

DATED: June 27, 2013


SHARON ASHE
Assistant U.S. Attorney
Petitioner

Let the Writ Issue.

7551

Hon. ~~James M. Smith, U.S. Min.~~

William H. Walls, USSDT

KELVIN NIXON, DOB: [REDACTED] 1963, ID: [REDACTED] 1140

DATED: 6/27/2013

WILLIAM T. WALSH
Clerk of the U.S. District Court
for the District of New Jersey

Per:

Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William H. Walls
v. : Crim. No. 13-096
LINDA YARLEQUE and : ORDER FOR CONTINUANCE
FABIO MORENO VARGAS

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (Rachael A. Honig, Assistant U.S. Attorney, appearing), defendant Linda Yarleque (Peter Willis, Esq., appearing), and defendant Fabio Moreno Vargas (Carol Gillen, Assistant Federal Public Defender, appearing) for an order granting a continuance of the proceedings in the above-captioned matter, and the defendants being aware that they have the right to have the matter brought to trial within 70 days of the date of their appearances before a judicial officer of this court pursuant to Title 18, United States Code, Section 3161(c)(1), and the defendants having consented to such a continuance, and it appearing that the defendants waive such right, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) The discovery in this case involves a large quantity of financial records that defense counsel requires additional time to review;

(2) Taking into account the exercise of diligence, therefore, the facts of this case require that defense counsel be permitted a reasonable amount of additional time for effective preparation in this matter;

(3) Plea negotiations are currently in progress, and both the United States and the defendants desire additional time to negotiate plea agreements, which would render trial of this matter unnecessary;

(4) As a result of the foregoing, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this 29th day of June, 2013,

ORDERED that this action be, and hereby is, continued; and it is further

ORDERED that a status conference shall be held on July 17, 2013 at 9:30 a.m.; and it is further


ORDERED that a schedule for further proceedings shall be set at the status conference; and it is further

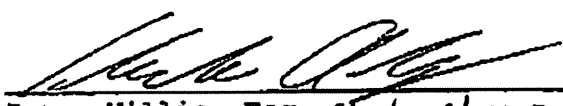
ORDERED that the period from the date of this order through July 17, 2013 shall be excludable in computing time under the Speedy Trial Act of 1974.



HON. WILLIAM H. WALLS
United States District Judge

Form and entry
consented to:



Rachael A. Honig
Assistant U.S. Attorney

Peter Willis, Esq. ~~Charles Alvarez Esq.~~
Counsel for defendant Linda Yarleque

Carol Gillen
Assistant Federal Public Defender
Counsel for defendant Fabio Moreno Vargas

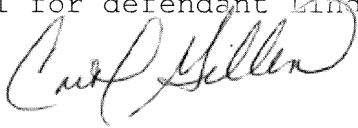
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HON. WILLIAM H. WALLS
United States District Judge

Form and entry
consented to:

Rachael A. Honig
Assistant U.S. Attorney

Peter Willis, Esq.
Counsel for defendant Linda Yarleque



Carol Gillen
Assistant Federal Public Defender
Counsel for defendant Fabio Moreno Vargas

CJA FORM 24 (one form per court reporter) should be forwarded to the court reporter along with appropriate copy/copies of the transcript order form.

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 5/99)

1. CIR./DIST./DIV. CODE 12-00486-001	2. PERSON REPRESENTED Daman Gene Smith	VOUCHER NUMBER	
3. MAG. DT./DEF. NUMBER	4. DIST. DKT./DEF. NUMBER 12-00486-001	5. APPEALS DKT./DEF. NUMBER	6. OTHER DKT. NUMBER
7. IN CASE/MATTER OF (Case Name) US v. Smith	8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal	9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	10. REPRESENTATION TYPE (See Instructions)
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. Conspiracy to Distribute 21 USC 884b			

REQUEST AND AUTHORIZATION FOR TRANSCRIPT

12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) to clarify sentencing judgment for BOP re: minimum term	
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14.) Sentencing	
14. SPECIAL AUTHORIZATIONS	JUDGE'S INITIALS
A. Apportioned _____ % of transcript with (Give case name and defendant)	
B. <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly Transcript <input type="checkbox"/> Realtime Unedited Transcript	
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions	
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.	
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. Bruce S. Rosen Signature of Attorney BRUCE S ROSEN Printed Name Date 6/15/13 Telephone _____ <input checked="" type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization	16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. [Signature] Signature of Presiding Judicial Officer or By Order of the Court 29 June 13 Date of Order Nunc Pro Tunc Date _____

CLAIM FOR SERVICES

17. COURT REPORTER/TRANSCRIBER STATUS <input type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other		18. PAYEE'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS Telephone _____				
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE						
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original						
Copy						
Expense (Itemize)						
TOTAL AMOUNT CLAIMED:						

21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED

I hereby certify that the above claim for services rendered an is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services.

Signature of _____ Date _____

ATTORNEY CERTIFICATION

22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received.

Signature of Attorney or Clerk

Date

APPROVED FOR PAYMENT - COURT USE ONLY

Signature of Judicial Officer or Clerk of Court	Date	24. AMOUNT APPROVED
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May 21, 2013

Honorable William H. Wall
United States District Judge
United States District Court of New Jersey

10-462

Dear Judge Walls:

I am writing to you to request permission to travel to Greece to visit my mother. She is 86 years old with many health problems. I would be very grateful for the opportunity to see her as soon as possible. I would like to request to travel during the dates of 07/31/2013, 09/20/2013. I am also able to report that I have paid all of my back taxes and have 6 month jail sentence and 18 month house arrest sentence.

Thank you in advance for your time and consideration in reviewing my request.

Sincerely,

William Bouzas

So ordered
[Signature]
24 June 2013

→ 6/17/13 no objection from USPO Kevin Villa
→ 6/19/13 no objection from AUSA Rahul Agarwal